

REMARKS

This amendment after allowance is submitted for the purpose of correcting the claim to benefit of earlier applications set forth in the first paragraph of the specification. This amendment is timely and finds basis in the corrected filing receipt issued on January 6, 2005, in the above-identified application, as well as the combination of the Declaration and Power of Attorney and Preliminary Amendment filed on March 22, 2004 in the above-identified application. Entry of the amendment is requested.

COMMENTS ON THE STATEMENT OF REASONS FOR ALLOWANCE

In the Examiner's Statement of Reasons for Allowance dated October 14, 2009, the Examiner stated that, "US Patent No. 5,669,918 to Balazs et al. teaches...all the limitations in the claims except the distal ends of arms holding joining elements while positioning the hollow structure to joining elements for making an anastomosis." While the applicant agrees that U.S. Patent no. 5,669,918 (hereinafter "Balazs et al.") does not teach distal ends of arms holding joining elements while positioning the hollow structure to joining elements for making an anastomosis, the applicant does not agree that Balazs et al. teaches all of the remaining limitations of the claims of the present application. Specifically, the applicant refers to its remarks in the response to the Final Rejection filed on September 22, 2009 as setting forth additional limitations of the claims of the present application not taught or suggested by Balazs et al. Furthermore, the applicant does not concede that one or more of the claims of the present application may contain additional limitations not taught or suggested by Balazs et al. even though such limitations were not separately argued in applicant's submission of September 22, 2009.

Respectfully submitted,

/Kevin J. Dunleavy/
Kevin J. Dunleavy
Registration No. 32,024

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Customer No. 21302
KNOBLE YOSHIDA & DUNLEAVY, LLC
Eight Penn Center, Suite 1350
1628 John F. Kennedy Blvd.
Philadelphia, PA 19103
Telephone: (215) 599-0600
Facsimile: (215) 599-0601